IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17801 of 2004

Between:

1 Sri A.Nageswara Rao, s/o Sri A.Ananthaiah,
r/o Kongararaviryala Village, Maheswaram Mandal,
Ranga Reddy District.
2 Sri J.Damodar Reddy, s/o Sri J.Narsimha Reddy,
r/o Jillellaguda, Saroornagar Mandal,
Ranga Reddy District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep., by its Secretary, Revenue Department, Hyderabad-A.P.
2 The Sub-Registrar, Maheswaram Mandal,
Ranga Reddy District.
3 The Mandal Revenue Officer, Maheswaram mandal,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in not receiving the document and registering the same in respect of an agricultural land of Acs.1.20 guntas in Survey No.383 situated at Kongara Khurd Village, Maheswaram Mandal, Ranga Reddy District, is illegal, violative of Section 22-A(1) of Registration Act, 1908 and consequently direct the 2nd respondent to receive the document and register the same in the interest of justice.

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Petitioners claim to be the owners of land in an extent of Ac.1.20 guntas, in Survey No.383, which is an agricultural land, situated at Kongara Khurd village, Maheswaram Mandal, Ranga Reddy District, under a registered sale deed, dated 11-10-2002. When the petitioners wanted to sell the said property and presented the document, the 2nd respondent refused to entertain the said document, on the ground that the land in question, which is sought to be sold, cannot be registered in view of a complaint given by Dargha Hazarath Syed Shah Raju Hussaini Saini, alleging that the lands situated in Kongara Khurd village are the INAM lands of the said Dargha. In view of the same, the present writ petition is filed.

Learned Government Pleader submits that there is no notification issued by the Government of Andhra Pradesh under Section 22-A(1) of the Registration Act, 1908, prohibiting the registration of the documents in respect of the Survey No.383, in the above said village. On issuance of such notification, the 2nd respondent can refuse to receive the document for registration, but not as otherwise.

In view of the same, the 2nd respondent is hereby directed to receive the document and register the same, as and when, the petitioner presented the same for registration, and for any reason, if the document cannot be registered, he has to pass appropriate orders and communicate the same to the petitioner within two weeks from the date of presentation of the said document.

Accordingly, the writ petition is disposed of at the stage of admission. No order as to costs.

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(A.GOPAL REDDY,J)

Dated:04-10-2004

GJ

To

1 The Secretary, Government of Andhra Pradesh, Revenue Department, Hyderabad-A.P.
2 The Sub-Registrar, Maheswaram Mandal,
Ranga Reddy District.
3 The Mandal Revenue Officer, Maheswaram mandal,
Ranga Reddy District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.